

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

VAZQUEZ COMMERCIAL	)	
CONTRACTING, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:20-cv-00486-DGK
	)	
ZIESON CONSTRUCTION	)	
COMPANY, LLC et al.	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION TO REMAND**

COMES NOW, Plaintiff, by and through counsel, and respectfully requests this Court to enter an order remanding this case to the Circuit Court of Jackson County, Missouri for the following reasons:

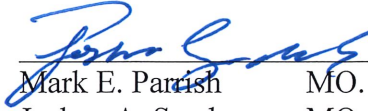
Under 28 U.S.C. § 1446(b), all defendants must consent to removal. At least two Defendants in this action do not consent to removal. Accordingly, removal of this action by Defendant Zurich American Insurance Company was defective.

The Plaintiff incorporates by reference as if fully set forth herein the Plaintiff's Suggestions in Support of Its Motion to Remand.

WHEREFORE, the Plaintiff respectfully requests this Court to enter an order remanding this case to the Circuit Court of Jackson County, Missouri.

Respectfully submitted,

BOYD KENTER THOMAS & PARRISH, LLC



Mark E. Parrish MO. Bar No 40571  
Joshua A. Sanders MO. Bar No. 64305  
Erica Fumagalli MO. Bar No. 70069  
P.O. Box 1099

221 West Lexington Avenue, Suite 200

Independence, MO. 64051

Telephone: (816) 471-4511

Facsimile: (816) 471-8450

E-mail: [mparrish@bktplaw.com](mailto:mparrish@bktplaw.com)

E-mail: [jsanders@bktplaw.com](mailto:jsanders@bktplaw.com)

E-mail: [efumagalli@bktplaw.com](mailto:efumagalli@bktplaw.com)

ATTORNEYS FOR PLAINTIFF

### **CERTIFICATE OF SERVICE**

I certify that on the 30<sup>th</sup> day of June 2020, I filed a copy of the foregoing on the court's

ECF system with service to be accomplished electronically on all counsel of record.

Philip V. Sumner

FOLAND, WICKENS, ROPER,

HOFFER & CRAWFORD, P.C.

1200 Main Street, 22<sup>nd</sup> Floor

Kansas City, Missouri 64105

[psumner@fwpcplaw.com](mailto:psumner@fwpcplaw.com)

ATTORNEYS FOR DEFENDANTS

JACOB BAUCOM AND ONSITE

CONSTRUCTION GROUP, LLS

Matthew W. Brockman

HARTZOG CONGER CASON

201 Robert S. Kerr Ave., Suite 1600

Oklahoma City, OK 73102

[mbrockman@hartzoglaw.com](mailto:mbrockman@hartzoglaw.com)

ATTORNEYS FOR DEFENDANTS

JACOB BAUCOM AND ONSITE

CONSTRUCTION GROUP, LLS

Thomas M. Bradshaw  
VAN OSDOL, P.C.  
1000 Walnut St., Suite 1500  
Kansas City, MO 64106  
[tbradshaw@vanosdolkc.com](mailto:tbradshaw@vanosdolkc.com)

Melanie Morgan  
MORGAN PILATE, LLC  
926 Cherry Street  
Kansas City, MO 64106  
[mmorgan@morganpilate.com](mailto:mmorgan@morganpilate.com)  
ATTORNEY FOR DEFENDANT  
MICHAEL PATRICK DINGLE

Jennifer Hannah  
Jean Paul Bradshaw II  
Taryn A. Nash  
LATHROP GPM LLP  
2345 Grand Blvd., Ste. 2200  
Kansas City, MO 64108  
[jennifer.hannah@lathropgpm.com](mailto:jennifer.hannah@lathropgpm.com)  
[jeanpaul.bradshaw@lathropgpm.com](mailto:jeanpaul.bradshaw@lathropgpm.com)  
[taryn.nash@lathropgpm.com](mailto:taryn.nash@lathropgpm.com)  
ATTORNEYS FOR DEFENDANT  
TORGESON ELECTRIC COMPANY

Carol Z. Smith  
Matthew W. Geary  
DYSART TAYLOR COTTER  
McMONIGLE & MONTEMORE, P.C.  
4420 Madison Avenue, Suite 200  
Kansas City, MO 64111  
[csmith@dysarttaylor.com](mailto:csmith@dysarttaylor.com)  
[mgeary@dysarttaylor.com](mailto:mgeary@dysarttaylor.com)  
ATTORNEYS FOR ZURICH AMERICAN  
INSURANCE COMPANY

Debra Bogo-Ernst  
Samantha C. Booth  
MAYER BROWN  
71 S. Wacker Drive  
Chicago, IL 60606  
[dernst@mayerbrown.com](mailto:dernst@mayerbrown.com)  
[sbooth@mayerbrown.com](mailto:sbooth@mayerbrown.com)  
ATTORNEYS FOR ZURICH AMERICAN  
INSURANCE COMPANY

Jamie H. Steiner  
HUSCH BLACKWELL LLP  
1801 Wewatta St., Suite 1000  
Denver, CO 80202  
[jamie.steiner@huschblackwell.com](mailto:jamie.steiner@huschblackwell.com)  
ATTORNEYS FOR DEFENDANT  
RUSTIN SIMON

Philip C. Graham  
Mary Anne Mellow  
SANDBERG PHOENIX & von GONTARD P.C.  
600 Washington Avenue, 15<sup>th</sup> Floor  
St. Louis, MO 63101-1313  
[pgraham@sandbergphoenix.com](mailto:pgraham@sandbergphoenix.com)  
[mmellow@sandbergphoenix.com](mailto:mmellow@sandbergphoenix.com)

Katrina L. Smeltzer  
SANDBERG PHOENIX & von GONTARD P.C.  
4600 Madison Avenue, Suite 1000  
Kansas City, MO 64112  
[ksmeltzer@sandbergphoenix.com](mailto:ksmeltzer@sandbergphoenix.com)  
ATTORNEYS FOR DEFENDANT  
CHPB SUB 1, LLC f/k/a TRUSS, LLC

  
\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF